

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Pat Venteicher,

Petitioner-Appellant,

v.

Adams County Board of Review,

Respondent-Appellee.

ORDER

Docket No. 10-02-0343

Parcel No. 100-0887112

Docket No. 10-02-0344

Parcel No. 100-0887113

On March 4, 2011, the above captioned appeals came on for consideration before the Iowa Property Assessment Appeal Board under Iowa Code 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant, Pat Venteicher was self-represented and requested the appeal take place without a hearing. The Adams County Board of Review designated Adams County Assessor Wesley J. Ray as its legal representative. The Appeal Board having reviewed the entire record, and being fully advised, finds:

Findings of Fact

Pat Venteicher, owner of two residentially classified properties in Adams County appeals from the Adams County Board of Review regarding the 2010 property assessments. He appeals an improved property situated on Lot 12 Spring Lake Subdivision located at 206 Prairie Place, Corning, Iowa; as well as an unimproved site, Lot 13 Spring Lake Subdivision. The January 1, 2010 assessment for 206 Prairie Place (Lot 12) was \$265,550, reflecting an allocation of \$22,526 in land and \$243,024 in improvement value which had an abatement of some type. The January 1, 2010 assessment for Lot 13 was \$25,035 allocated solely to the land.

Lot 12 is improved with a one-story, single-family residence. The improvements include 1905 square feet of above-grade finish; an 1869 square-foot basement with 1600 square feet of finish; a 785 square-foot attached garage; a thirty foot by thirty-two foot detached garage; a 478 square-foot deck; a 576 square-foot patio; and a 119 square-foot open porch. The improvements were built in 2009, and the site is 0.605 acres. Lot 13 is an unimproved site abutting Lot 12 and is 0.544 acres.

Venteicher protested his assessment for both parcels to the Adams County Board of Review. He contended his property assessments were not equitable with that of like properties under Iowa Code section 441.37(1)(a). He also asserted that there are errors in the assessments under section 441.37(1)(d). He claimed the errors were that the "living area was wrong, larger garage, lot values different with other lots in subdivision." The Board completed a review of blueprints, which were not originally made available to the assessor. This review revealed a difference in the above grade living area, basement area, and attached garage area. The Board also reviewed other properties for comparison and reduced the value of the dwelling based upon the consideration of all these factors.

The Board of Review also reduced the values on both lots based upon a review of other developed lots in the subdivision. The reduction to Lot 12 is allocated as follows: \$11,778 in land value and \$221,643 in improvement value for a total assessment of \$233,421. The January 1, 2010 assessment for Lot 13 is \$9337 (land only).

Venteicher then appealed to this Board, reasserting only his claim of inequity. He asserts the value of the two parcels together is \$202,460, allocated as \$11,779 land value (Lot 12); \$190,000 improvement value (Lot 12); and \$682 land value (Lot 13). He did not offer any new addresses or specific property information of additional comparables, however did attach a handwritten letter to his appeal that provides historical information and references a previously noted property submitted as an equity comparable.

On his protest form to the Board of Review Venteicher provided nine equity comparables. He listed a last name, legal description, and assessment value. We assume the last name reflects the current title holder. One property had no name associated with it. Additionally, it is unknown what year the assessment value reflects as this is also not noted.

Venteicher presented no written information such as style, size, age, location, or amenities to demonstrate that these nine properties are indeed like properties to the subject. Due to a lack of information about the nine properties submitted as equity comparables, as well as the lack of a ratio analysis, we give this information little consideration.

In the letter attached to his protest, Venteicher notes he bought the two lots and chose to improve one (Lot 12) and retain the other (Lot 13) for green space. He asserts the “lots on both side of us are assessed at \$734 and \$454” and questions why his lot went from \$682 to \$9337. No other information has been supplied by Venteicher to verify his assertion or to demonstrate the lots he mentions are similar to his unimproved lot.

In a letter dated February 18, 2010, the Adams County Assessor, Wesley Ray, explains the discrepancy between Venteicher’s unimproved lot and the two lots Venteicher referenced in his protest attachment. Ray states the “vacant building sites (are) owned by the Adams County Economic Development Corporation.” Ray goes on to state that he was unaware of the lower values until they were brought to his attention by Venteicher. After becoming aware of the discrepancy, Ray researched the issue and discovered the sites should have been appraised at market value, as they have been subdivided for more than three years. Ray states the values are being reviewed for 2011. We note this does not negate the 2010 assessments.

Venteicher also mentions the “Bart Little” (Little) house located across the street from his property. The Little house is one of the nine properties listed on his appeal form. He states the Little house sold for \$165,000 and is assessed for \$136,367. However, he does not provide the sale date or

the assessment date for us to determine if it demonstrates inequity. For an assessment sales ratio study to be conducted properly, the year of the sales and the year of the assessment must be identical.

Cottingham v. Iowa Dept. of Rev., Docket 347, p. 4, (Iowa State Bd. of Tax Rev. 1982). Because it is unknown if the sales price was compared to the correct assessment year we find this information unreliable.

Ray also notes that the Little house was built as a spec home, and unlike the subject, does not have a walk-out basement or any basement finish at time of sale. Additionally, the subject has a larger attached garage plus a thirty-foot by thirty-two foot detached garage, a larger open porch, a larger wood deck, and has better quality features. Lastly, the Little property is a single lot, whereas it appears Venteicher is comparing this sale and assessment to the value of his two lots combined.

Ray also explains that several of the other properties listed by Venteicher as equity comparables are not truly single-family homes. He indicates the Heaton property is actually a duplex and the Brown and Thompson properties are respective halves of another duplex. Ray also notes the Hinz and Ritchie properties are not located in the same subdivision, and the Hinz property is considerably older (by about thirty years) than the subject property.

The certified record also has a partial copy of an appraisal by Bessie S. Whitehead of Whitehead Appraisals, Shenandoah, Iowa. The appraisal was completed for mortgage financing purposes, has an effective date of March 1, 2010, and provides a single value conclusion for both Lot 12 and 13, as well as the improvements.

Whitehead developed the sales comparison approach and cost approach to value. Her sales comparison analysis included three competing properties all located between forty-seven to fifty-three miles from the subject property. She explains that while Corning is the county seat, its estimated population is 1806, limiting the number of recent sales. All three properties sold between June 2009 and November 2009, and therefore would reflect a January 1, 2010, assessment value. The three sales

in her sales comparison range in sales price from \$222,000 to \$267,500. After adjustments, the sales indicate a range of value of \$237,000 to \$266,000, and Whitehead selected a final opinion of value of \$250,000 from this range. Whiteheads cost approach indicates a value of \$252,610.

We note the assessor indicates an attached garage, as well as a detached garage for the subject property, however Whitehead only includes a “two-car garage” in her analysis. Whitehead indicates a gross living area of 1991 square feet compared to the property record card which indicates 1905 square feet; and 2100 square feet of basement area compared to the property record card which indicates a basement with 1869 square feet. These discrepancies might be explained if the sketch had been included with the appraisal or if the appraisal explained how Whitehead determined the square footage she reports.

Additionally, we find some adjustments to be mechanical in nature, rather than reflective of actual market actions. For instance, she makes a \$500 adjustment for the subjects total site size of 50,065 square feet compared to comparable two’s site size of 43,560 square feet; and a nominal \$1000 adjustment for a three-car versus two-car garage. Furthermore, some adjustments seem larger than the market would reflect. For example, she applies a \$10,000 upward adjustment for a geo-thermal heating system compared to a more common forced air system. The sales comparison references an addendum to explain Whitehead’s analysis and support for her opinion, but this was not provided. Some of these concerns may be alleviated if the entire appraisal had been presented for review.

While we find Whitehead’s appraisal is not without flaws and it is incomplete, it supports the January 1, 2010, total assessment of \$242,758 for both Lots 12 and 13. However this is not relevant because Venteicher does not have a claim that the property is over-assessed.

We believe Venteicher is earnest in his belief that his assessment is inequitable. However, we are not convinced the data presented is of similarly situated or comparable properties, and therefore, insufficient evidence has been provided to demonstrate the subject is inequitably assessed.

Conclusions of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The six criteria include evidence showing

(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.

Id. at 579-580. The gist of this test is ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). Venteicher's evidence of inequity was incomplete and did not demonstrate a disparity between the subject property

assessment and the assessments of other like properties. In this case, Venteicher's evidence did not show his property was inequitably assessed using either method.

We therefore affirm the assessments of Pat Venteicher's properties as determined by the Adams County Board of Review, as of January 1, 2010.

THE APPEAL BOARD ORDERS the assessments of Pat Venteicher's property's located at 206 Prairie Place, Corning, Iowa (Lot 12), of \$233,421; and the unimproved Lot 13 Spring Lake Subdivision, of \$9337, as of January 1, 2010, set by Adams County Board of Review, is affirmed.

Dated this 1 day of April, 2011


Karen Oberman, Presiding Officer


Richard Stradley, Board Member


Jacqueline Rypma, Board Member

Cc:

Pat Venteicher
206 Prairie Place
Corning, Iowa 50841
APPELLANT

Wesley J. Ray
Adams County Assessor
500 9th Avenue
Corning, Iowa 50841
APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>4-1</u> , 2011	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	